

REMARKS

A. Background

The Final Office Action, mailed August 21, 2006, considered and rejected claims 1-30 and 35-44.¹ Claims 1-30 and 35-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Winbladh (U.S. Patent No. 6,205,330) in view of Lager et al. (U.S. Patent No. 6,636,502).² Applicant respectfully submits that the rejection has now been overcome and should, therefore, be withdrawn. This response is being filed for consideration with an RCE.

B. Proposed Claim Amendments

By this paper, claims 1, 9-11, 14, 16, 24 and 38-41 have been amended and claims 37 and 42-44 have been cancelled, such that claims 1-30, 35, 36, and 38-41 remain pending for reconsideration. Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments and to explicitly recite elements that were already inherently present in the claims. For example, independent claims 1, 16, and 24 have been amended to incorporate the limitations of claims 37 and 42-44, which previously depended from the aforementioned independent claims. Support for these claim amendments is found at least in the previously presented claims. Claims 1, 9-11, 14, 16, 24 and 38-41 have also been amended to clarify that the message sent to the mobile communication station by the digital radio communication network is an *unsolicited* message. Support for this limitation is found throughout the application, including, but not limited to the disclosure found in Figure 2 and the corresponding discussion and page 11, lines 21-28 of the specification as originally filed. In view of the foregoing, Applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

Applicant also submits that the claims, as presented, are neither anticipated by, nor made obvious by, the cited art of record.

There are three independent claims at issue. In claim 1, a method is recited for initiating transfer of packet data from a server to a stand-alone mobile communication station. The method

¹ Claims 31-34 were withdrawn in a previous paper.

² Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

includes acts of the mobile station extracting an address from an unsolicited message sent from a server. The address is extracted by an application running on the mobile-station. The mobile station then uses the address information to establish a packet data protocol session with the server, over which corresponding packet data is transmitted to and received by the mobile-station for display at the stand-alone mobile station. As recited, the unsolicited message comprises a data structure that includes a data field with data that indicates a quality of service ("QoS") that the network server wishes that the stand-alone mobile communication station request from the communication network when using the packet data protocol session. Claims 16 and 24 are directed to corresponding system and device claims.

In previous prosecution, a dependent claim was presented directed to the message comprising a data structure that includes a data field with data that indicates a QoS that the network server wishes that the stand-alone mobile communication station request from the communication network when using the packet data protocol session. In conjunction with the foregoing, it was pointed out that the embodiment of the present invention encompassed by the aforementioned limitation is distinguished from the art of record, including Winbladh and Lager, because the art of record does not teach or suggest this limitation, as claimed, for example, in combination with the other recited claim elements. As noted above, in the current response, the claims have been amended to clarify that the aforementioned message is an unsolicited message. Thus, Applicant submits that neither Winbladh nor Lager teach or suggest any embodiment in which a network server sends an unsolicited message to a mobile station directing the mobile station to request a particular QoS when establishing a packet data protocol session with the network server.

In response to the aforementioned limitation presented in the previous response, the Examiner asserts that Lager teaches the QoS limitation, pointing to "Col 2, lines 28-32" of Lager in support of the assertion. In this regard, the Examiner appears to agree that Winbladh does not teach the aforementioned limitation. However, the Examiner felt that the cited portion of Lager apparently cures this deficiency in Winbladh. Applicant respectfully disagrees.

Turning to the cited section, Lager states: Four different Quality of Service (QoS) levels (which are initially set during a PDP context activation procedure, as explained below) are supported by GPRS. As such, the recited section of Lager discloses nothing more than four different QoS levels are supported by the GPRS standard. Thus, contrary to the assertions made in the last Office

Action, the recited disclosure of Lager does not teach or suggest any type of data structure for an unsolicited message sent from a network server to a mobile communication station, let alone a data structure containing a field specifying a particular QoS the mobile station is directed to request when establishing a packet data protocol session with the network server. At most, the cited section merely discloses an initial setup of a QoS level, which is explained elsewhere in Lager.

Thus, we must determine what the rest of Lager discloses concerning QoS levels. When discussing quality of service, Lager discloses that 1) the terminal station first sends a message to the SGSN requesting a particular QoS level, 2) the SGSN then determines whether to grant the requested QoS level, and sends a negotiated QoS level back to the terminal station, and 3) the terminal station either establishes a session with the server using the negotiated QoS or terminates its request for a session. (see col. 6, line 66 to col. 7, line15; col. 7, lines 32-47; col. 17, lines 19-23, 35-38, 50-52, 11-18; and Figures 6 and 11). As can be seen by the foregoing, Lager's QoS levels are established by the terminal station requesting a QoS. However, Lager clearly fails to disclose or suggest that the QoS requested is in response to receiving an unsolicited message from the server specifying a particular QoS the mobile station is to request when establishing a packet data protocol session, as claimed, for example, in combination with the other recited claim elements.

Furthermore, other limitations were previously added to the independent claims to clarify that the mobile device or station is a stand-alone mobile device or station. In conjunction with the foregoing, it was pointed out in a previous response that the embodiment of the present invention encompassed by the aforementioned limitation is distinguished from the art of record, including Winbladh and Lager because the art of record does not teach or suggest any such limitation. That is, neither Winbladh nor Lager teach or suggest a stand-alone mobile communication station or device performing all of the functionality recited in the claims.

In response to the aforementioned stand-alone limitation, presented in the previous response, the Examiner asserted the art at least contemplates that all functionality could be incorporated into a single stand-alone system. Windbladh, col. 5, lines 8-11, was cited in support of said assertion. This passage states that "in the future, when a mobile station can be expected to consist of a computer hybrid, the SMS agent decoding functions may be included in the MS unit." While this statement from Winbladh appears to disclose that the decoding functions may be contemplated to be included in a future mobile station, Applicant respectfully submits that this statement is not dispositive with

regard to all of the stand-alone features recited in the claims, contrary to the assertion of the Examiner.

For example, as noted above, independent claims 1, 16, and 24 have been amended herein to incorporate the limitations that were previously recited in claims 42-44. These added limitations clarify that the packet data being received at the stand-alone mobile device or station is for display at the stand-alone mobile device or station. As set forth in the prior response, Applicant submits that Winbladh is specifically directed to providing a way to display the message at a separate system than the mobile device. See, for example, Col. 1, lines 20-29, which clarifies how it would be clumsy to receive long messages or messages with files or graphics via the MS unit. See also the Abstract and other relevant portions of the reference talking about how the message is ultimately loaded into the computer, where it is presumably displayed. Regarding emails, all of the disclosed embodiments of Winbladh appear to suggest the email is displayed at a separate PC. See col. 4, lines 60-64 and col. 5, lines 58-61.

Thus, while Applicant acknowledges that there is some discussion in the art to suggest that the *decoding* functionality might be incorporated into a mobile device, Applicant submits that this is all that is disclosed or suggested by the cited passages in Winbladh regarding future incorporations into a mobile device. As such, Applicant submits that many of the elements recited in the claims, such as display of the data, are not disclosed in, suggested, nor contemplated by Winbladh as being performed at a stand-alone mobile device, thus making the combination of claimed elements non-obvious. In fact, it can be asserted that Windbladh teaches away from such incorporation, inasmuch as Windbladh specifically teaches how to display the message at a separate system than the mobile device since, as disclosed by Windbladh, it would be clumsy to receive long messages or messages with files or graphics via the MS unit. (Col. 1, lines 20-29).

D. Conclusion

In view of the foregoing, Applicant respectfully submits that the independent claims and the corresponding dependent claims are therefore distinguished from the cited art of record and that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to

challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should it arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of December 2006.

Respectfully submitted,

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